IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.76142-M of 2006

DATE OF DECISION: FEBRUARY 8, 2007

Ram Saran behal

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.K.Bawa, Advocate
for Mr.Gurcharan Dass, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

...

Petitioner Ram Saran Behal apprehending his arrest in a non-bailable offence in case FIR No.207 dated 29.8.2004 registered under Sections 420/467/468/471 IPC at Police Station Division No.5 (Civil Lines), Ludhiana, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

While issuing notice of motion on December 7, 2006, arrest of the petitioner was stayed subject to his appearance before the trial court and furnishing fresh regular bail bonds to its satisfaction.

I have heard the counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioner contends that the petitioner was on regular bail in the aforesaid case and was regularly appearing before the trial Court. However, on 24.8.2006, the petitioner could not appear before the trial Court because of illness and on that date his bail bonds were cancelled and he has been summoned through non bailable warrants. By placing on record the certificate of illness, counsel contends that the non-appearance of the petitioner on the said date was unintentional. Counsel further contends that on that date nothing was to be done by the trial Court as the file was already summoned by the revisional Court in a revision filed

by the petitioner against the order of charge.

Counsel for the petitioner further contends that in terms of the interim order dated December 7, 2006, the petitioner had appeared before the trial court and furnished his fresh regular bail bonds to its satisfaction which have been accepted and attested, and since then he is regularly appearing. In view of this fact and the facts stated in the interim order dated December 7, 2006, the same is made absolute.

Disposed of accordingly.

February 8, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE